

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

FEB 16 2018

DEBRA HALL,

Case No. 7:16-cv-432

BY: JULIA C. DUDLEY, CLERK  
T. Williamson  
DEPUTY CLERK

Y<sub>1</sub>

NANCY A. BERRYHILL,<sup>1</sup>  
Acting Commissioner of Social  
Security,  
  
Defendant.

## ORDER

This matter was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact and a recommended disposition. The Magistrate Judge filed a report and recommendations on January 25, 2018, recommending that the plaintiff's motion for summary judgment be granted,<sup>2</sup> the Commissioner's motion for summary judgment be denied, and the case be remanded for further consideration by the Administrative Law Judge ("ALJ"). No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendations should be adopted in its entirety.

As such, it is hereby **ORDERED** that:

1. The report and recommendation (ECF No. 18) is **ADOPTED** in its entirety;
2. Plaintiff's motion for summary judgment (ECF No. 13) is **GRANTED**;

<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security and will be substituted for Carolyn W. Colvin as defendant in this case pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

<sup>2</sup> On March 8, 2017, Plaintiff filed a brief arguing that the Commissioner's decision to deny disability benefits should be reversed or remanded. See Pl.'s Br., ECF No. 13. The court construes this brief as a motion for summary judgment.

3. Defendant's motion for summary judgment (ECF No. 14) is **DENIED**;
4. This case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration consistent with the report and recommendation; and
5. This matter is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to counsel of record.

Entered:

02-15-2018

*Michael F. Urbanski*

Michael F. Urbanski  
Chief United States District Judge